Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Overall Grocery, 20065 U.S. Highway 59, New Caney, Montgomery County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 19, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,355

Amount Deferred for Expedited Settlement: \$5,871 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$734 Total Due to General Revenue: \$22,750

Payment Plan: 35 payments of \$650 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 27, 2014

Date(s) of NOE(s): April 25, 2014

Violation Information

- 1. Failed to monitor the underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
- 2. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the super unleaded annual line leak detector test [30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].
- 3. Failed to ensure the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances and in accordance with accepted industry practices. Specifically, the meter on dispenser no. 5 was leaking fuel and the regular unleaded tank had approximately 2-3 inches of water due to a damaged vapor line [30 Tex. Admin. Code § 334.48(a) and (b)].
- 4. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, an automatic tank gauge ("ATG") test conducted on October 16, 2013 indicated a suspected release that was not reported [30 Tex. Admin. Code § 334.72].
- 5. Failed to investigate a suspected release of a regulated substance within 30 days. Specifically, an ATG test conducted on October 16, 2013 indicated a suspected release that was not investigated [30 Tex. ADMIN. CODE § 334.74].
- 6. Failed to maintain all components of the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system. Specifically, the nozzle boots on dispenser nos. 6 and 7 were torn and the super unleaded dry break was leaking vapors [30 Tex. Admin Code § 115.242(d)(3) and Tex. Health & Safety Code § 382.085(b)].
- 7. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, operating instructions were not posted on dispenser no. 8 [30 Tex. Admin. Code § 115.242(d)(9) and Tex. Health & Safety Code § 382.085(b)].
- 8. Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, Stage II training documentation for the Facility representative was not available [30 Tex. Admin. Code § 115.246(4) and Tex. Health & Safety Code § 382.085(b)].
- 9. Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever comes first. Specifically, the 2013 and 2014 Stage II tests failed and the system was not retested after repairs were conducted on February 27, 2014 [30 Tex. Admin. Code § 115.245 and Tex. Health & Safety Code § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. Tested the super unleaded line leak detector on February 27, 2014 with passing results;
- b. Implemented a method of release detection for the USTs on May 31, 2014;
- c. Repaired the meter on dispenser no. 5, replaced the damaged vapor line, and removed the water from the regular unleaded UST on May 14, 2014;
- d. Repaired the Stage II vapor recovery system on February 27, 2014;
- e. Posted operating instructions on dispenser no. 8 on February 27, 2014; and
- f. Began maintaining all Stage II records, including Stage II training records, on July 2, 2014.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Establish and implement a process for reporting suspected releases;
- ii. Conduct an investigation of the suspected release and implement appropriate corrective measures; and
- iii. Conduct the annual Stage II compliance testing.
- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A

Hearing Date(s): N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rebecca Boyett, Enforcement Division,

Enforcement Team 7, MC 128, (512) 239-2503; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Nancy Overall, Owner, Overall Grocery, 20065 U.S. Highway 59, New

Caney, Texas 77357

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 28-Apr-2014 Screening 5-May-2014 **EPA Due** PCW 11-Aug-2014 RESPONDENT/FACILITY INFORMATION Respondent Nancy Overall dba Overall Grocery Reg. Ent. Ref. No. RN102277308 Major/Minor Source Minor Facility/Site Region 12-Houston CASE INFORMATION Enf./Case ID No. 48677 No. of Violations 8 Docket No. 2014-0681-PST-E Order Type 1660 Government/Non-Profit No Media Program(s) Petroleum Storage Tank Multi-Media Enf. Coordinator Rebecca Boyett EC's Team Enforcement Team 7 \$25,000 Admin. Penalty \$ Limit Minimum Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$33,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 -\$3,375 -10.0% Reduction Reduction for high performer classification. Notes Subtotal 4 \$0 Culpability No 0.0% Enhancement The Respondent does not meet the culpability criteria. -\$1,249 Good Faith Effort to Comply Total Adjustments Subtotal 5 Subtotal 6 \$0 **Economic Benefit** 0.0% Enhancement* *Capped at the Total EB \$ Amount Total FB Amounts \$592 Approx. Cost of Compliance \$8,908 \$29,126 SUM OF SUBTOTALS 1-7 Final Subtotal \$229 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.8% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Recommended enhancement to capture the avoided cost of compliance Notes associated with violation nos. 1 and 3. Final Penalty Amount \$29,355

Final Assessed Penalty

Adjustment

20.0%

\$29,355

-\$5,871

\$23,484

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

DEFERRAL

Screening Date 5-May-2014

Docket No. 2014-0681-PST-E

Palicy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent Nancy Overall dba Overall Grocery

Case ID No. 48677

Reg. Ent. Reference No. RN102277308

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rebecca Boyett

Compliance History Worksheet

omponent	ry <i>Sit</i> e Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0 .	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ease Enter Yes or No	·
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No .	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per		
eat Violator (Subtotal 3)。在中央中国的中央中国的中央中国的中央中国的中央中国的中央中国的中央中国的中央中国		
No	Adjustment Per	rcentage (Sub	total 3)
pliance Histo	ory Person Classification (Subtotal 7)		
High Perf	former Adjustment Per	centage (Sub	total 7)
pliance Histo	ory Summary		
Compliance History	Reduction for high performer classification.		

Scre	ening Date	5-May-2014		Dock	et No. 2014-0681-PST-E	PCW
		Nancy Overall d	ba Overall Groc	ery		Policy Revision 4 (April 2014)
	Case ID No.					PCW Revision March 26, 2014
Reg. Ent. Re			as Table			
		Petroleum Stora Rebecca Boyett	ige rank			
	ation Number					
	Rule Cite(s)	30 Tex. Adr	min. Code § 334	.50 (b)(1)(A) and (b)(2) and Tex. Water Code	§
				26.3475(a) a	nd (c)(1)	
Violatio	on Description	frequency of monitoring).	at least once ev Also, failed to p n the UST syste	very month (rovide releas m. Specifica	age tanks ("USTs") for releases at not to exceed 35 days between ea se detection for the pressurized pip lly, the Respondent had not condu line leak detector test.	ach Ding
					Base Pe	nalty \$25,000
>> Environme	ntal. Prope	rtv and Huma	an Health M	atrix		
			Harm		China a straigh maith ag geilt a coch cuir coch cuir ceil a comhain a comh a se	
OR	Release Actual		Moderate	Minor		
	Potentia	1			Percent 15.0%	
The second second second	********				Service Control of the Control of th	
>>Programma	tic Matrix Falsification	Major	Moderate	Minor		
	- disinedelon	T Tayor	Tioderate		Percent 0.0%	
	(r				Name and the second	
Matrix	Human health	or the environm	ent will or could	be exposed	to pollutants which would exceed	levels
Notes	that are p	rotective of hum	an health or env	/ironmental r	eceptors as a result of the violatio	n.
	natietienii))				Adjustment \$2	1,250
						\$3,750
	t 181 - Lagran Bergardengan kemberakan seba				N	
Violation Even	ts					
	Number of	Violation Events	1	: _	67 Number of violation days	
				<u>L</u>		
		daily				
		weekly monthly				
	mark only one with an x	quarterly	×		Violation Base Pe	nalty \$3,750
	with an x	semiannual				
		annual				
		single event				
	One quarterly	y event is recomr		e rebruary 2. creening date	7, 2014 investigation date to the M	ay 5,
	L					
Good Faith Eff	orts to Com	vlqı	10.0% R	eduction		\$375
Transfer of temperature			Before NOV NO	OV to EDPRP/Se	ttlement Offer	
		Extraordinary				
		Ordinary		nark with x)		
		N/A 	 		compliance on May 31, 2014	
		Notes		e of Enforcen	nent ("NOE") dated April 25,	
		·			Violation Sub	total \$3,375
Economic Ben	efit (EB) fo	r this violatic	o n		Statutory Limit Tes	
		ted EB Amount		\$148	Violation Final Penalty	
					·	
		Casarangai ya Ukaba da Kabaran	This violat	ion Final As	sessed Penalty (adjusted for lir	mits) \$3,024

Economic Benefit Worksheet

Respondent Nancy Overall dba Overall Grocery Case ID No. 48677 Reg. Ent. Reference No. RN102277308 Years of Media Petroleum Storage Tank **Percent Interest** Depreciation Violation No. 1 15 **EB** Amount Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs Item Description No commas or \$ **Delayed Costs** 0.00 \$0 \$0 \$0 Equipment 0.00 \$0 \$0 \$0 Buildings \$0 0.00 \$0 Other (as needed) \$0 \$0 0.00 \$0 Engineering/Construction n/a \$0 0.00 \$0 Land \$0 n/a 0.00 \$0 Record Keeping System 0.00 \$0 n/a Training/Sampling \$0 0.00 <u>\$0</u> n/a Remediation/Disposal 0.00 \$0 n/a \$0 Permit Costs 27-Feb-2014 31-May-2014 0.25 \$1,500 Other (as needed) Estimated cost to implement a method of release detection for the USTs at the Facility. The Date Required is the investigation date and the Final Date is the date of compliance. Notes for DELAYED costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 \$0 Disposal \$0 \$0 0.00 \$0 Personnel \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 0.00 \$0 \$0 Financial Assurance [2] \$11 \$118 \$129 ONE-TIME avoided costs [3] Other (as needed) Estimated cost to conduct the annual line leak detector test for the super unleaded associated piping. The Notes for AVOIDED costs Date Required is one year prior to the investigation date and the Final Date is the date of compliance.

\$1,618

Approx. Cost of Compliance

\$148

TOTAL

Screening Date		DOCKET NO. 2014-0681-PST-E	PCW
	Nancy Overall dba Overall Grocery		Policy Revision 4 (April 2014)
Case ID No.			PCW Revision March 26, 2014
Reg. Ent. Reference No.			
Enf. Coordinator	Petroleum Storage Tank Rebecca Boyett		
Violation Number			
Rule Cite(s)		in. Code § 334.48(a) and (b)	
	Ju Tex. Admi	in code y 334.40(a) and (b)	
Violation Description	that will prevent releases of regul industry practices. Specifically, the	s operated, maintained, and managed in a n ated substances and in accordance with acc he meter on dispenser no. 5 was leaking fue proximately 2-3 inches of water due to a dai vapor line.	epted el and
		Base Po	enalty \$25,000
>> Environmental Proper	rty and Human Health Mati	11 7	
	Harm		1
OR Release		inor	
OR Actual Potential		Percent 5.0%	
	100000000000000000000000000000000000000	Section because the contract tent becomes an annual contract t	
>>Programmatic Matrix	Major Moderate M	inor :	
Falsification	Major Moderate M	Percent 0.0%	
	<u> </u>	- Cream _ C.070	:
		sed to insignificant amounts of pollutants wh	
Matrix not exceed le		ealth or environmental receptors as a result	of the
	VIOIZ	ation.	
		Adjustment \$	23,750
ina perioda edikul ira kulturatet ili edili instituta eta eta eta eta ili tutti.		19,25,50, 2020 (1), 1, 299 (1)	44.250
			\$1,250
Violation Events			
The state of the s			
Number of	Violation Events 1	67 Number of violation day	S
	daily		
	weekly		
mark only one	monthly		44.250
with an x	quarterly x	Violation Base Pe	enalty \$1,250
	semiannual annual		
	single event		
One quarterl	y event is recommended from the F	ebruary 27, 2014 investigation date to the M	1ay 5,
	2014 scre-	ening date.	
	population ACCC HERERAL		4105
Good Faith Efforts to Com		iction o EDPRP/Settlement Offer	\$125
	Before NOV NOV to	o EDFRF/Settlement One	
	Ordinary	×	
	` 	with x)	
		achieved compliance on May 14, 2014	
		e NOE dated April 25, 2014.	
		, , , , , , , , , , , , , , , , , , , ,	
		Violation Su	btotal \$1,125
Economic Benefit (EB) for	r this violation	Statutory Limit Te	st
	ted EB Amount	\$7 Violation Final Penalty	
20cma		······································	
	This violation	n Final Assessed Penalty (adjusted for l	imits) \$1,008

Economic Benefit Worksheet

eg. Ent. Reference No. Media Violation No.	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
					ar usuka iv o	5.0	15
	74 O	Date Required	Einal Date	Vrc	Interest Saved	Onetime Costs	EB Amount
	TO SELECT THE PARTY						
Item Description	No commas or \$			ne oree trouble.		Market and the second s	
Delayed Costs	Magazine, Ada						<u> </u>
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
Training/Sampling							
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0
	\$685 Actual cost a remove the	27-Feb-2014 as per receipts to water from the re	repair the meter	0.00 0.21 on di JST.	\$0 \$7 spenser no. 5, rep The Date Required	n/a n/a lace the damaged v is the investigation	\$0 \$7 apor line, and
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance.	n/a n/a lace the damaged v is the investigation	\$0 \$7 apor line, and date and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except	n/a n/a lace the damaged v i is the investigation for one-time avoid	\$0 \$7 apor line, and date and the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterir	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except	n/a n/a lace the damaged v is the investigation for one-time avoid	\$0 \$7 apor line, and date and the led costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the da nteria 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0	\$0 \$7 apor line, and date and the ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the do nterio 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ing item (except \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ing item (except \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Actual cost a remove the	as per receipts to water from the re	repair the meter gular unleaded Final Date is	0.00 0.21 on dis JST. the di nterii 0.00 0.00 0.00 0.00 0.00	\$0 \$7 spenser no. 5, rep The Date Required ate of compliance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a lace the damaged v is the investigation for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$7 apor line, and date and the led costs) \$0 \$0 \$0 \$0 \$0

Screening Date			No. 2014-0681-PST-E	PCW
	Nancy Overall dba Overall Gro	ocery		Palicy Revision 4 (April 2014)
Case ID No.				PCW Revision March 26, 2014
Reg. Ent. Reference No.	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number				
Rule Cite(s)		T Ad C	224 72	:
	30	Tex. Admin. Code §	334.72	
Violation Description			EQ within 24 hours of discove st conducted on October 16,	
	indicated a su	spected release that	t was not reported.	
			Base Pe	enalty \$25,000
>> Environmental, Prope	ty and Human Health !	Matrix		
	Harm			
OR Release		Minor		
OR Actual Potential			Percent 0.0%	
	<u> </u>		1 Ci cent	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
	<u> </u>		Percent 5.0%	
				
Matrix	100% of the rule	requirement was no	ot met	
Notes	100 % 07 616 1 4.6	requiremente was in	Je mee.	
			Adjustment \$2	3,750
				#1.2EO!
				\$1,250
Violation Events				
	ই বা বা বাহারীক্ষামের সংক্রম পোলা ইক্সা বাহারীক বাই বাহার হয়। 		(a.c., 2.c.)	
Number of	Violation Events 1	1	Number of violation days	i ·
	1-88			
	daily weekly			
	monthly			
mark only one with an x	quarterly		Violation Base Pe	nalty \$1,250
with an X	semiannual			
	annual			
	single event x			:
	One single e	vent is recommende	d.	
· · · · · · · · · · · · · · · · · · ·				
Good Faith Efforts to Com		Reduction		\$0
	Extraordinary Before NOV P	NOV to EDPRP/Settlemen	t Offer	
	Ordinary			
	·	(mark with x)		
	Notes The Responde		e good faith criteria for	
		this violatior	1.	
				total 61 250
	38316AU1113BU113BAU3118		Violation Sub	
Economic Benefit (EB) for	this violation		Statutory Limit Tes	Start Const. William Const.
Estimat	ted EB Amount	\$105	Violation Final Penalty	Total \$1,134
		_ E. 9 gust _ 0 _	in a managan to at the state of	
	This viol	ation Final Assesse	ed Penalty (adjusted for lir	mits) \$1,134
لطلطلللللللفائد الشاكر كدعاء عدد دنوي مهيمي والمعاديدي	naparananan kantaka kata da sa Kibat Zata Katibi	arahinidiki liliki di kacamatan kata bi	ang ng paggalang balan ng Kalang ang Kalang	and the second and the second of the second

Economic Benefit Worksheet Respondent Nancy Overall dba Overall Grocery Case ID No. 48677 Reg. Ent. Reference No. RN102277308 Years of Media Petroleum Storage Tank Percent Interest Depreciation Violation No. 3 15 **EB** Amount Yrs Interest Saved Onetime Costs Item Cost Date Required Final Date Item Description No commas or \$ **Delayed Costs** \$0 \$0 0.00 \$0 Equipment \$0 \$0 \$0 0.00 \$0 Buildings 0.00 \$0 \$0 Other (as needed) 0.00 \$0 \$0 \$0 Engineering/Construction 0.00 \$0 n/a \$0 \$0 n/a \$0 0.00 Record Keeping System 28-Jan-2015 \$100 27-Feb-2014 0.92 \$5 \$0 n/a Training/Sampling \$0 n/a Remediation/Disposal 0.00 \$0 0.00 \$0 n/a Permit Costs 0.00 n/a Other (as needed) Estimated cost to establish and implement a proccess for reporting suspected releases. The Date Required Notes for DELAYED costs is the investigation date and the Final Date is the estimated date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 0,00 \$0 \$0 Personnel \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 0.00 \$0 Supplies/Equipment \$0 \$0 0.00 \$0 Financial Assurance [2] \$100 16-Oct-2013 0.00 \$0 \$100 \$100 ONE-TIME avoided costs [3]

Notes for AVOIDED costs

Other (as needed)

Estimated cost to report a suspected release. The Date Required is the date of the suspected release and the Final Date is the date the report was due.

\$0

\$0

Approx. Cost of Compliance \$200 TOTAL \$105

	ening Date	·	Docket No. 2014-0681-PST-E	PCW
		Nancy Overall dba Overall Grocery		Policy Revision 4 (April 2014)
	Case ID No.		P	CW Revision March 26, 2014
Reg. Ent. Ref				
		Petroleum Storage Tank Rebecca Boyett		
	ation Number			
41015	Rule Cite(s)	[L		
	Raic Cite(3)	30 Tex. A	Admin. Code § 334.74	
		# 1 d d a a a a a a a a a a a a a a a a a	alana aga an india an haira an antika an an	_
Violatio	n Description		elease of a regulated substance within 30 day ed on October 16, 2013 indicated a suspected	
Violatio	ii Description		at was not investigated.	·
			Base Pena	alty \$25,000
			2400.	
>> Environmen	ntal, Proper	rty and Human Health Matri		
		Harm		
A.	Release		nor	
OR	Actual		B 15 00/	
	Potential		Percent 15.0%	
>>Programma	tic Matriv			
//riogramma	Falsification	Major Moderate Min	Managana da	
		1	Percent 0.0%	
	L			
Matrix			exposed to pollutants which would exceed lev nmental receptors as a result of the violation.	eis
Notes	l macare p	notective of numan health of environ	intental receptors as a result of the violation.	
				:
			Adjustment \$21,	250
				\$3,750
				191/99
Violation Event	ts			
	C 100 - 2 - 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	PRESIDENCE OF CASES OF THE RESIDENCE OF THE STATE OF THE		
	Number of	Violation Events 6	171 Number of violation days	
		•		
		daily		
		weekly		
	mark only one	monthly x quarterly	Violation Base Pena	ltv \$22,500
	with an x	semiannual	Violation base v cha	10 100
		annual		
		single event		
		***SVSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSSS		
	Civ monthly	y events are recommended from the	suspected release investigation due date to the	
	312 111011011	May 5, 2014 so		
	<u> </u>	, 0, 202, 00		
	enteline harte nyaptirat		os reconsucera a care y consumo ca esperante e a esperante e en esperante e e e e e e e e e e e e e e e e e e	\$0
Good Faith Effe	orts to Com		EDPRP/Settlement Offer	30
		Before NOV NOV to Extraordinary	EDFKF/Settlement Offer	
		Ordinary		
		N/A X (mark w	with v\	
		Notes The Respondent do	es not meet the good faith criteria for	
			this violation.	
		L.		
			Violation Subto	tal \$22,500
19 4 01919111111111111111111111111111111111	المراضعيني والإنجال	ungan kanggan sanggan panggangan anggan panggan sanggan sanggan sanggan sanggan sanggan sanggan sanggan sanggan Banggan kanggan sanggan sangga		research of the transfer makes
Economic Bene	erit (EB) foi	r this violation	Statutory Limit Test	
	Estima	ted EB Amount	\$301 Violation Final Penalty To	tal \$20,409
	2001110	•	-	:
		This violation	Final Assessed Penalty (adjusted for limi	ts) \$20,409

	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
Violation No.	4				ويتماع والمراجع والمتاسين		
						5.0	1
	Item Cost	Date Required	Final Date	Yrs In	terest Save	d Onetime Costs	EB Amount
The second secon							
Item Description	No commas or \$		Light Experience Representation of the second	operune manamana	potenciara e nace non termina	and the second of the second	
	The security of the second second	an ar mangangga sebelah dan dan		generalistics i co			na tour de la tra
Delayed Costs		7		0.001	\$0	T \$0	\$0
Equipment				0.00	\$0	\$0	\$0
Buildings		-		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction		<u> </u>		0.00	\$0	n/a	\$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System		<u> </u>		0.00	\$0	n/a	\$0
		11					\$0
Training/Sampling							
Remediation/Disposal				0.00	\$0	n/a	
	\$5,000			0.00 1.20	\$0 \$301	n/a n/a	\$0 \$301
Remediation/Disposal Permit Costs	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The D	\$0 \$301 Pate Required Stimated date	n/a n/a d is the date the release of compliance.	\$0 \$301 se investigatio
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The D	\$0 \$301 Pate Required Stimated date	n/a n/a d is the date the release of compliance.	\$0 \$301 se investigatio
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The D	\$0 \$301 Pate Required Stimated date	n/a n/a d is the date the relea	\$0 \$301 se investigation ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	o.00 1.20 se. The Definition in the estimatering in the estimateri	\$0 \$301 vate Required stimated date	n/a n/a d is the date the release of compliance.	\$0 \$301 se investigation ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	se. The De is the esentering i	\$0 \$301 vate Required stimated data tem (excep	n/a n/a d is the date the release of compliance. of for one-time avoid \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The Determine is the estable of the e	\$0 \$301 vate Required stimated date tem (excer \$0 \$0	n/a n/a d is the date the relea e of compliance. t for one-time avoic \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/Equipment	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The D re is the es	\$0 \$301 vate Required stimated date tem (excep \$0 \$0 \$0	n/a n/a d is the date the release of compliance. of for one-time avoid \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/Equipment Financial Assurance [2]	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The Determine is the estendard 0.00	\$0 \$301 Pate Required stimated date tem (excer \$0 \$0 \$0 \$0	n/a n/a d is the date the release of compliance. It for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel ection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] DNE-TIME avoided costs [3]	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The De is the esentering i 0.00 0.00 0.00 0.00 0.00	\$0 \$301 Pate Required stimated date tem (excep \$0 \$0 \$0 \$0 \$0	n/a n/a d is the date the release of compliance. It for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The Dee is the esentering i 0.00 0.00 0.00 0.00 0.00	\$0 \$301 Pate Required stimated date tem (excep \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a d is the date the release of compliance. It for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$301 se investigatio ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The Dee is the esentering i 0.00 0.00 0.00 0.00 0.00	\$0 \$301 Pate Required stimated date tem (excep \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a d is the date the release of compliance. It for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to investigate a was due a	suspected relea ind the Final Dat	0.00 1.20 se. The Dee is the esentering i 0.00 0.00 0.00 0.00 0.00	\$0 \$301 Pate Required stimated date tem (excep \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a d is the date the release of compliance. It for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$301 se investigation ded costs) \$0 \$0 \$0 \$0 \$0

Docket No. 2014-0681-PST-E

PCW

Screening Date 5-May-2014

Economic Benefit Worksheet

Respondent Nancy Overall dba Overall Grocery Case ID No. 48677 Reg. Ent. Reference No. RN102277308 Years of Media Petroleum Storage Tank **Percent Interest** Depreciation Violation No. 5 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs **EB** Amount Item Description No commas or \$ **Delayed Costs** 27-Feb-2014 \$0 \$0 Equipment 0.00 \$0 \$0 \$0 Buildings 0.00 \$0 \$0 Other (as needed) \$0 0.00 \$0 \$0 Engineering/Construction \$0 0.00 n/a \$0 Land \$0 0.00 n/a Record Keeping System \$0 \$0 Training/Sampling 0.00 \$0 n/a \$0 Remediation/Disposal 0.00 \$0 n/a 0.00 \$0 n/a \$0 Permit Costs Other (as needed) Actual cost to repair the Stage II vapor recovery system as per receipt. The Date Required is the Notes for DELAYED costs investigation date and the Final Date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 \$0 Disposal \$0 \$0 \$0 0.00 Personnel \$0 \$0 \$0 Inspection/Reporting/Sampling 0.00 \$0 \$0 Supplies/Equipment 0.00 \$0 \$0 \$0 0.00 \$0 Financial Assurance [2] 0.00 \$0 \$0 \$0 ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs \$0 TOTAL \$401 Approx. Cost of Compliance

Reg. Ent. Ref Media Enf. C	ase ID No. erence No. a [Statute] oordinator	Nancy Overall dba Overall Grocery 48677 RN102277308 Petroleum Storage Tank Rebecca Boyett	Docket No. 2014-0681-PST-E	PCW Policy Revision 4 (April 2014) PCW Revision March 26, 2014
	ation Number Rule Cite(s) n Description	30 Tex. Admin. Code § 115.242(d)(Failed to post operating instructio dispensing pump equipped with a	(9) and Tex. Health & Safety Code § 382.08 ns conspicuously on the front of each gasol Stage II vapor recovery system. Specifical were not posted on dispenser no. 8.	ine
		operating first decions v	Base Pe	nalty \$25,000
>> Environmer OR >>Programma	Release Actual Potential		Percent 5.0%	
Matrix Notes				
Violation Event		Violation Events 1	1 Number of violation days	
	mark only one with an x	daily weekly monthly quarterly x semiannual annual single event	Violation Base Per	nalty \$1,250
:	One quar	terly event is recommended from the February 27, 2014	February 27, 2014 investigation date to the compliance date.	2
Good Faith Effo	orts to Com	Extraordinary Ordinary N/A The Respondent ac	DPRP/Settlement Offer	\$312
Economic Bene	fit (FB) for	this violation	Violation Sub Statutory Limit Tes	
·		ted EB Amount This violation	\$0 Violation Final Penalty 1 Final Assessed Penalty (adjusted for lin	Fotal \$819

Economic Benefit Worksheet Respondent Nancy Overall dba Overall Grocery Case ID No. 48677 Reg. Ent. Reference No. RN102277308 Percent Interest Depreciation Years of Media Petroleum Storage Tank Violation No. 6 Yrs Interest Saved Onetime Costs **EB Amount** Item Cost Date Required Final Date Item Description No commas or \$ **Delayed Costs** \$0 \$0 27-Feb-2014 27-Feb-2014 0.00 \$0 Equipment \$0 0.00 \$0 \$0 Buildings 0.00 \$0 \$0 \$0 Other (as needed) 0.00 \$0 \$0 Engineering/Construction n/a \$0 \$0 Land \$0 n/a 0.00 Record Keeping System <u>\$0</u> \$0 0.00 \$0 n/a Training/Sampling \$0 0.00 \$0 n/a Remediation/Disposal \$0 0.00 \$0 n/a Permit Costs 0.00 \$0 n/a Other (as needed) Actual cost to post operating instructions on dispenser no. 8 as per receipt. The Date Required is the Notes for DELAYED costs investigation date and the Final Date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 0.00 Disposal \$0 \$0 0.00 \$0 Personnel \$0 0.00 \$0 Inspection/Reporting/Sampling \$0 \$0 \$0 0.00 Supplies/Equipment \$0 0.00 \$0 \$0 Financial Assurance [2] \$0 \$0 0.00 \$0 ONE-TIME avoided costs [3] Other (as needed)

\$4

TOTAL

\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

Screening Date		DOCKET NO. 2014-0681-PST-E	PCW
	Nancy Overall dba Overall Grocery	,	Policy Revision 4 (April 2014)
Case ID No.			PCW Revision March 26, 2014
Reg. Ent. Reference No.			
	Petroleum Storage Tank		
Enf. Coordinator Violation Number			
Rule Cite(s)			
Kule Cite(s)	30 Tex. Admin. Code § 115.246(4	i) and Tex. Health & Safety Code § 382.08	35(b)
Violation Description	available for inspection upon requ	ds at the Station and make them immedia est by agency personnel. Specifically, Sta e Facility representative was not available	ge II
		Base P	enalty \$25,000
>> Environmental, Proper	ty and Human Health Matri	osses pro integrali e pro in proposanje opravnim come proposali i i i i i i i i i i i i i i i i i i	
	Harm		
OR Release		nor ·	
OR Actual Potential		Percent 0.0%	
rotentia	LIL	Fercent 0.070	
>>Programmatic Matrix			
Falsification	Major Moderate Min	······································	
	X	Percent 5.0%	
Matrix			
Notes	100% of the rule requi	rement was not met.	
		Adjustment \$	23,750
el divisi ingleste kurji ve e NApateraki ililiyota (ililiya). P		Aujustinent →	23,730]
÷			\$1,250
LIBERTIBER LIBERT LANGET TOTAL PROBLEM PROBLEM SERVICE		PROBEST AND A CONTROL OF THE CONTROL	1813/34 AV -
Violation Events			
Number of	Violation Events 1	1 Number of violation day	c
Hamber of	Violation Events 1	itamber of Violation day	
	daily		
	weekly		
mark only one	monthly		, , , , , , , , , , , , , , , , , , ,
with an x	guarterly	Violation Base P	enalty \$1,250
	semiannual		*
	annual		
	single event <u>x</u>		
:	One single event is	s recommended.	
		<u>. Parasa kunggunggan panggan dan manggunggan panggan panggan panggan panggan panggan panggan panggan panggan pa</u>	\$125
Good Faith Efforts to Com		EDPRP/Settlement Offer	\$123
	Extraordinary Extraordinary	22 Journal of the state of	
	Ordinary	X	
	N/A (mark w		· · · · · · · · · · · · · · · · · · ·
		achieved compliance on July 2, 2014	
	after the	NOE dated April 25, 2014.	
	l Control Cont		
		Violation Su	btotal \$1,125
Economic Benefit (EB) fo	r this violation	Statutory Limit Te	st;
	ted EB Amount	\$9 Violation Final Penalty	Total \$1,008
LStilla	The second second	T-1	
in the state of th	This violation	Final Assessed Penalty (adjusted for I	imits) \$1,008

	and the second				Percent Interest	Depreciation
					- 0	1.
Item Cost	Juliga Secret Angai	ura distributa	s Street		5.0	فتأرق والمتاري والمتاري والمتاري والمتاري والمتاري والمتاري
	Date Required	Final Date	Yrs I	nterest Saved	Onetime Costs	EB Amount
No commas or \$			a. Alle Pri			
ANTENEDE						
						\$0
						\$0
						\$0
						\$0 \$0
						\$0 \$9
\$500	27-Feb-2014	2-Jul-2014				\$9 \$0
						\$0 \$0
						\$0 \$0
						\$0 \$0
	ā	and the Final Da	ate is the	date of complia	nce.	
ANNUAL	IZE [1] avoided	costs before	0.00	\$0	for one-time avoid	- \$0
ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0	for one-time avoid \$0 \$0	\$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00	\$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0	\$0 \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
	\$500 Estimated co	Estimated cost to maintain Sta	Estimated cost to maintain Stage II records a	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$500 27-Feb-2014 2-Jul-2014 0.34 \$9 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0 0.00 \$0	0.00

Case ID No. Reg. Ent. Reference No.	Nancy Overall dba Overall Grocery 48677 RN102277308 Petroleum Storage Tank Rebecca Boyett	Docket No. 2014-0681-PST-E	PCW Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Rule Cite(s)	30 Tex. Admin. Code § 115.245	and Tex. Health & Safety Code § 382.085(b)
Violation Description	months and the Stage II vapor sp least once every 36 months or up whichever comes first. Specifically,	the Stage II equipment at least once ever ace manifolding and dynamic back pressure on major system replacement or modificati the 2013 and 2014 Stage II tests failed an pairs were conducted on February 27, 201	e at on, d the
		Base Pe	nalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix Harm Major Moderate Mine		
OR Actual			
Potential	x	Percent 5.0%	
>>Programmatic Matrix			
Falsification	Major Moderate Mind	Percent 0.0%	
		e exposed to significant amounts of polluta if human health or environmental receptors violation.	
		Adjustment \$2	3,750
- Province And			
Violation Events			\$1,250
Number of	Violation Events 1	1 Number of violation days	
mark only one with an x	daily weekly monthly quarterly semiannual annual single event x	Violation Base Pe	nalty \$1,250
	One single event is	recommended.	
	:		
Good Faith Efforts to Com		DPRP/Settlement Offer	\$0
	Notes The Respondent doe	s not meet the good faith criteria for this violation.	
		Violation Sub	total \$1,250
Economic Benefit (EB) for	this violation	Statutory Limit Tes	
Estimat	ed EB Amount	\$22 Violation Final Penalty	
	This violation I	Final Assessed Penalty (adjusted for lin	nits) \$1,134

	Petroleum Sto	orage Tank				Percent Interest	Years of Depreciation
Violation No	. 8		unite Rapides (100 et		sa sa Pada at La Santa	5.0	Depreciation 15
			Final Date	V	Interest Saved	Onetime Costs	EB Amount
	· 1、17年月至17年1、1年2月7	Date Required	White reserve the follow				
Item Description	1 No commas or \$			111301111100		egration entre les la company	
	1 1 4 515 4	The second secon					
Delayed Costs	· · · · · · · · · · · · · · · · · · ·	T		0.00	\$0	\$0	\$0
Equipment Buildings				0.00	\$0	\$0	\$0
Other (as needed)	<u> </u>			0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Engineering/Construction Land		 		0.00	\$0	n/a	\$0
		 		0.00	\$0	n/a	\$0
Record Keeping System		 		0.00	\$0	n/a	\$0
Training/Sampling		-		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs							
Other (as needed)	\$500	27-Feb-2014		0.89	\$22	n/a	\$22
Other (as needed) Notes for DELAYED costs		st for testing the S	tage II equipm	ent. Ti		s the date Stage II	
Notes for DELAYED costs	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Ti ate is t	he Date Required he estimated date	s the date Stage II of compliance.	system repairs
Notes for DELAYED costs Avoided Costs	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Ti ate is t enteri r	he Date Required he estimated date	s the date Stage II	system repairs
Notes for DELAYED costs Avoided Costs Disposal	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Ti ate is t enterir 0.00	he Date Required he estimated date ng item (except \$0	s the date Stage II of compliance. for one-time avoid	system repairs
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Thate is tended to the imperior of the im	he Date Required he estimated date	s the date Stage II of compliance. For one-time avoid \$0 \$0	system repairs led costs)
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Thate is to the content of the	he Date Required he estimated date ng item (except \$0 \$0 \$0 \$0	s the date Stage II of compliance. for one-time avoid	system repairs ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	Estimated co	st for testing the S were made	tage II equipm and the Final D	ent. Trate is tenterir 0.00 0.00 0.00 0.00	he Date Required he estimated date ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	s the date Stage II of compliance. for one-time avoic \$0 \$0 \$0 \$0 \$0	system repairs ded costs) \$0 \$0 \$0
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Approx. Cost of Compliance



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603971219, RN102277308, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, CN603971219, Overall, Nancy

Classification: HIGH

Rating: 0.00

or Owner/Operator:

Regulated Entity:

RN102277308, Overall Grocery

Classification: HIGH

Rating: 0.00

Complexity Points:

Repeat Violator: NO

01 - Gas Stations with convenience Stores and other Gas Stations

CH Group: Location:

20065 US HIGHWAY 59 NEW CANEY, TX 77357-8289, MONTGOMERY COUNTY

TCEQ Region:

REGION 12 - HOUSTON

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 38958

Compliance History Period: September 01, 2008 to August 31, 2013

Rating Year: 2013

Rating Date: 09/01/2013

Date Compliance History Report Prepared: May 07, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 05, 2009 to May 05, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rebecca Boyett

Phone: (512) 239-2503

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

YES

3) If **YES** for #2, who is the current owner/operator?

OVERALL, NANCY OWNER OPERATOR since 10/13/2011 Stubbs Petroleum Co., Ltd. OWNER since 1/12/1987

4) If **YES** for #2, who was/were the prior

OVERALL, FLOYD, OWNER OPERATOR, 7/1/1995 to 10/12/2011

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator 10/13/2011

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

B. Criminal convictions:

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

F. Environmental audits: N/A G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

J. Early compliance:

Sites Outside of Texas:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
NANCY OVERALL DBA OVERALL	§	
GROCERY	§	
RN102277308	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2014-0681-PST-E

I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Nancy Overall dba Overall Grocery ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 20065 United States Highway 59 in New Caney, Montgomery County, Texas (the "Station").
- 2. The Respondent's two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in Tex. Health & Safety Code § 382.003(12).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 30, 2014.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

Nancy Overall dba Overall Grocery DOCKET NO. 2014-0681-PST-E Page 2

6. An administrative penalty in the amount of Twenty-Nine Thousand Three Hundred Fifty-Five Dollars (\$29,355) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Hundred Thirty-Four Dollars (\$734) of the administrative penalty and Five Thousand Eight Hundred Seventy-One Dollars (\$5,871) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Two Thousand Seven Hundred Fifty Dollars (\$22,750) of the administrative penalty shall be payable in 35 monthly payments of Six Hundred Fifty Dollars (\$650) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. Tested the super unleaded line leak detector on February 27, 2014 with passing results;
 - b. Implemented a method of release detection for the USTs on May 31, 2014;
 - c. Repaired the meter on dispenser no. 5, replaced the damaged vapor line, and removed the water from the regular unleaded UST on May 14, 2014;
 - d. Repaired the Stage II vapor recovery system on February 27, 2014;
 - e. Posted operating instructions on dispenser no. 8 on February 27, 2014; and
 - f. Began maintaining all Stage II records, including Stage II training records, on July 2, 2014.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement

Nancy Overall dba Overall Grocery DOCKET NO. 2014-0681-PST-E Page 3

proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

- 1. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on February 27, 2014.
- 2. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a), as documented during an investigation conducted on February 27, 2014. Specifically, the Respondent had not conducted the super unleaded annual line leak detector test.
- 3. Failed to ensure the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances and in accordance with accepted industry practices, in violation of 30 Tex. Admin. Code § 334.48(a) and (b), as documented during an investigation conducted on February 27, 2014. Specifically, the meter on dispenser no. 5 was leaking fuel and the regular unleaded tank had approximately 2-3 inches of water due to a damaged vapor line.
- 4. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 Tex. Admin. Code § 334.72, as documented during an investigation conducted on February 27, 2014. Specifically, an automatic tank gauge ("ATG") test conducted on October 16, 2013 indicated a suspected release that was not reported.
- 5. Failed to investigate a suspected release of a regulated substance within 30 days, in violation of 30 Tex. Admin. Code § 334.74, as documented during an investigation conducted on February 27, 2014. Specifically, an ATG test conducted on October 16, 2013 indicated a suspected release that was not investigated.
- 6. Failed to maintain all components of the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, in violation of 30 Tex. Admin Code § 115.242(d)(3) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 27, 2014. Specifically, the nozzle boots on dispenser nos. 6 and 7 were torn and the super unleaded dry break was leaking vapors.

- 7. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, in violation of 30 Tex. ADMIN. CODE § 115.242(d)(9) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 27, 2014. Specifically, operating instructions were not posted on dispenser no. 8.
- 8. Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel, in violation of 30 Tex. Admin. Code § 115.246(4) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 27, 2014. Specifically, Stage II training documentation for the Facility representative was not available.
- 9. Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever comes first, in violation of 30 Tex. Admin. Code § 115.245 and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on February 27, 2014. Specifically, the 2013 and 2014 Stage II tests failed and the system was not retested after repairs were conducted on February 27, 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Nancy Overall dba Overall Grocery, Docket No. 2014-0681-PST-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:

- i. Establish and implement a process for reporting suspected releases, in accordance with 30 Tex. ADMIN. CODE § 334.72;
- ii. Conduct an investigation of the suspected release and implement appropriate corrective measures, in accordance with 30 Tex. ADMIN. CODE § 334.74; and
- iii. Conduct the annual Stage II compliance testing, in accordance with 30 Tex. ADMIN. CODE § 115.245.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

Nancy Overall dba Overall Grocery DOCKET NO. 2014-0681-PST-E Page 6

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Nancy Overall dba Overall Grocery DOCKET NO. 2014-0681-PST-E Page 7

Nancy Overall dba Overall Grocery

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	11 25 14 Date
I, the undersigned, have read and understand the agree to the attached Agreed Order on behalf of the do agree to the terms and conditions specified ther accepting payment for the penalty amount, is mate	he entity indicated below my signature, and I rein. I further acknowledge that the TCEO, in
 additional penalties, and/or attorney fees, o Increased penalties in any future enforceme 	ay result in: submitted; eral's Office for contempt, injunctive relief, or to a collection agency; ent actions; l's Office of any future enforcement actions; aw.
Hancy Cherall Signature	8-15-14 Date
Nancy Overall	Owner
Name (Printed or typed) Authorized Representative of	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.